

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2005/009493

International filing date (day/month/year)
18.05.2005

Priority date (day/month/year)
25.05.2004

International Patent Classification (IPC) or both national classification and IPC
G06K19/07

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Fichter, U

Telephone No. +49 89 2399-2552



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-7
	No: Claims	1,8-13
Inventive step (IS)	Yes: Claims	
	No: Claims	1-13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

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Reference is made to the following documents:

- D1: WO 2005/038703 A (MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD;
MATSUSHITA, YUKA; NAKABE, FUT) 28 April 2005 (2005-04-28)
D2: DE 197 26 335 A1 (ANGEWANDTE DIGITAL ELEKTRONIK GMBH, 21521
DASSENDORF, DE; ANGEWANDTE D) 24 December 1998 (1998-12-24)
D3: DE 195 09 517 C1 (ANGEWANDTE DIGITAL ELEKTRONIK GMBH, 21521
DASSENDORF, DE) 10 October 1996 (1996-10-10)

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Document D2 discloses (see D2, fig. 1 and col. 1, line 52 - col. 2, line 34) an IC card comprising:

- *a unit operable (2,3) to obtain a certain distance/orientation in which the card accesses the reader (e.g. near/far range);
- *a unit operable (4,6) to manage at least two access conditions;
- *a judgement unit (4,6) comparing the obtained distance/orientation with the access conditions to judge whether they match each other (S1);
- * a unit operable to execute a predetermined application program when they match each other (col. 1, lines 52 - 55).

The device according to claim 1 is therefore not new (Article 33(2) PCT).

The statements made to the device claim 1 apply to the independent claims 9 - 13 respectively.

The dependent claims 2 - 8 merely define straightforward embodiments and possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed. Most of these additional features are disclosed or suggested by the prior art on hand. Moreover the description does not make clear what specific advantages these additional feature might imply. Therefore these claims add nothing inventive. Furthermore it is not clear whether the

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requirement of unity (Rule 13 PCT) is met, since these claims depend on claims which do not comply with Art. 33 (3) PCT (see above; lack of unity "a posteriori": see Guidelines, C-III 7.7, 7.8).

Re Item VI

Certain documents cited

Certain published documents

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO 2005/038703	28 April 2005	2004/10/15	2003/10/20

Re Item VIII

Certain observations on the international application

The term "access direction type" in the claims is geometrically unclear. Moreover, the wording "operable to previously hold" and "time series pattern of .. access direction types" is technically unclear.

It should have been specified in the independent claims 9 - 13 that the predetermined application program is actually executed in the IC memory card.